

1 **ROUTH CRABTREE OLSEN, P.S.**
13555 SE 36TH ST., SUITE 300
2 BELLEVUE, WA 98006
TELEPHONE (425) 458-2121
3 FACSIMILE (425) 458-2131

Honorable Judge Brian D. Lynch
Chapter 13
Hearing Location: Tacoma
Hearing Date: October 20, 2010
Hearing Time: 1:30 p.m.
Response Date: October 13, 2010

4
5 **IN THE UNITED STATES BANKRUPTCY COURT**
6 **WESTERN DISTRICT OF WASHINGTON**

7 In re:

8 Marshall Elmer Bostwick

9 Debtor.

No.: 09-46576-BDL

RESPONSE TO CLAIM OBJECTION
By JPMorgan Chase Bank, National
Association as a purchaser of the loans and
other assets of Washington Mutual Bank,
formerly known as Washington Mutual Bank,
F.A

11 COMES NOW, JPMorgan Chase Bank, National Association as a purchaser of the loans and
12 other assets of Washington Mutual Bank, formerly known as Washington Mutual Bank, F.A and
13 responds to Debtor's Claim Objection.
14

15 A proof of claim filed in accordance with the Bankruptcy Rules constitutes prima facie evidence
16 of the validity and the amount of the claim. In re Los Angeles International Airport Hotel Associates,
17 106 F.3d 1479 (1997) Federal Rule of Bankruptcy Procedure 3001(f). The party objecting to the claim
18 may not rebut the claim's prima facie validity merely by stating that the amount of the claim is incorrect.
19 In re Darwin White, 168 B.R. 825, 828 (Bankr. D. Conn. 1994). The objecting party must produce some
20 evidence to support its argument. Id.
21

22 Here, Creditor has complied with Bankruptcy rule 3001 and there does not seem to be any
23 reason to invalidate the claim. Debtor has not presented any evidence to rebut the prima facie case of
24 Creditor and therefore Creditor respectfully requests the Court overrule Debtor's objection to claim
25 and allow the claim of Creditor.
26

Response to Claim Objection
Page - 1

ROUTH CRABTREE OLSEN, P.S.
13555 SE 36TH ST., SUITE 300
BELLEVUE, WA 98006
TELEPHONE (425) 458-2121 ♦ FACSIMILE (425) 458-2131

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DATED October 13, 2010.

ROUTH CRABTREE OLSEN, P.S.
Attorneys for Creditor

 /s/ Aaron Masser
By: Aaron Masser, WSBA# 32692
Attorneys for JPMorgan Chase Bank, National Association as a
purchaser of the loans and other assets of Washington Mutual
Bank, formerly known as Washington Mutual Bank, F.A